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Myles C. S. Harrington

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EXAMINER

SWARTZ, JAMIE H

ART UNIT

PAPER NUMBER

3694

MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Allowability**

Application No.

10/613,319

Examiner

JAMIE H. SWARTZ

Applicant(s)

HARRINGTON ET AL.

Art Unit

3694

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the applicant's arguments/remarks filed 1/31/2008.
2. ☒ The allowed claim(s) is/are 189-203,205-212,214-217,220,221,224-233,243 and 245-247.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3/4/2008
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### **DETAILED ACTION**

1. Claims 189-198, 200-203, 205-212, 214-217, 220, 221, 224-233, 243 and 245-247 are allowed are currently pending. Claims 199, 204, 213, 222-223, 234-242, and 244 have been cancelled. Claims 189, 246, and 247 are currently amended.
2. The Rule 131 Declaration has been entered and considered.
3. An Examiner's Amendment appears here below:  
  
Claims 189, 246, and 247 are amended.  
  
Claims 199, 204, 213, 222-223, 234-242, and 244 have been cancelled.
4. The Authorization for this amendment to the claims was given verbally by the Applicant's Representative, Mr. Leonard Michard (29009) on May 2, 2008.

### ***Examiner's Amendment***

189. (Currently Amended) A computer-mediated method of conducting an auction of an interest-bearing financial instrument over the Internet,  
wherein bidders can be in different physical locations and can simultaneously participate in the auction,  
said bidders having access to web browsers,  
said bidders' web browsers communicating over the Internet with at least one computer having auction software,  
said method comprising:  
a) enforcing at least one standard bidders must satisfy to submit competing bids;

- b) enforcing at least one auction rule competing bids must satisfy;
- d) displaying the official auction time;
- e) receiving, over the Internet, bids from bidders using web browsers;
- f) allowing enabling bidders to modify their bid inputs bids during the bidding period;
- g) permitting comparison of received bids
- h) providing information allowing for display of at least the best bid or bids.

190. (Previously Amended) The method of claim 189 including conducting multiple auctions simultaneously.

191. (Previously Amended) The method of claim 189 including offering multiple instruments in the same auction.

192. (Previously Amended) The method of claim 189 wherein bidders may participate in a plurality of auctions simultaneously.

193. (Previously Amended) The method of claim 189 wherein bidders may bid more than one instrument in the same auction.

194. (Previously Amended) The method of claim 189 wherein bidders may bid more than one instrument in multiple auctions conducted simultaneously.

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195. (Previously Amended) The method of claim 189 wherein bidders may bid portions of a single instrument.

196. (Previously Amended) The method of claim 189 wherein bidders register before submitting bids.

197. (Previously Amended) The method of claim 189 wherein bidders log in with an identification and password.

198. (Previously Amended) The method of claim 189 including providing bidders are provided online access to offering documents.

Claim 199. (Canceled)

200. (Previously Amended) The method of claim 189 including providing a display that informs bidders of the time remaining in a bidding period.

201. (Previously Amended) The method of claim 189 wherein a bid improvement is made by submitting a lower bid.

202. (Previously Amended) The method of claim 189 wherein bid improvements are made in minimum increments.

203. (Previously Amended) The method of claim 189 wherein the lowest bid is the best bid.

Claim 204. (Canceled)

205. (Previously Amended) The method of claim 189 wherein bidders supply conditions to their bids.

206. (Previously Amended) The method of claim 189 wherein a bidder enters and modifies a bid without submitting it.

207. (Previously Amended) The method of claim 189 wherein a bidder confirms or acknowledges a bid after submission.

208. (Previously Amended) The method of claim 189 wherein a bidder may view at least the best bid during the bidding period and improve it.

209. (Previously Amended) The method of claim 189 wherein rank order of bids is displayed.

210. (Previously Amended) The method of claim 189 wherein status of a bidder's bid relative to other bids is displayed during the bidding period.

211. (Previously Amended) The method of claim 189 further including providing a means for bidders to confirm their intention to submit bids before their bids are treated as submitted.

212. (Previously Amended) The method of claim 189 further including performing, on behalf of bidders, calculations using their-bid related inputs.

Claim 213. (Canceled)

214. (Previously Amended) The method of claim 189 wherein the bidding period may be extended after bidding begins.

215. (Previously Amended) The method of claim 189 wherein information related to at least one bid submission such as, but not limited to, time of submission is saved in a data log.

216. (Previously Amended) The method of claim 189 further including displaying an observation page from which to observe submitted bids.

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217. (Previously Amended) The method of claim 189 further including releasing bidding results.

Claims 218-219. (Canceled)

220. (Previously Amended) The method of claim 189 wherein confirmation of winning bids may be delivered electronically.

221. (Previously Amended) The method of claim 189 wherein confirmation of winning bids may be delivered automatically.

224. (Previously Amended) The method of claim 189 wherein said bidder inputs a price for said instrument.

225. (Previously Amended) The method of claim 189 wherein said bidder inputs an interest rate for said instrument.

226. (Previously Amended) The method of claim 189 wherein said bidder inputs a price and interest rate combination for said instrument.

227. (Previously Amended) The method of claim 189 wherein said bidder inputs a principal amount for said instrument.



228. (Previously Amended) The method of claim 189 wherein said bidder inputs a maturity date for said instrument.

229. (Previously Amended) The method of claim 189 wherein software such as Java applet code or plug-ins that implement certain auction related functions is delivered to bidders computers.

230. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to create and modify auction parameters.

231. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to regulate access to certain web pages.

232. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to authorize bidder participation.

233. (Previously Amended) The method of claim 189 wherein one or more menu- driven web pages are employed to set bid limitations for one or more bidders.

Claims 234 - 242. (Canceled)

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243. (Previously Amended) The method of claim 189 further including communicating signals relating to said auction over a network at least in part using Hypertext Transfer Protocol

Claim 244. (Canceled)

245 (Previously Added). The method of claim 189 further including not allowing bidders to change said auction rules once bidding commences.

246. (Currently Amended) In a computer system for conducting an auction of at least one interest-bearing financial instrument over the Internet, said computer system being structured to receive bids from bidders' web browsers over the Internet, wherein the bidders can simultaneously participate in auctions from different physical locations, said computer system executing auction software stored on a storage device, said storage device storing:

first instructions that, when executed, receive bids over the Internet for at least one interest-bearing financial instrument from bidders using web browsers;

second instructions that, when executed, enforce at least one standard for bidders to satisfy before they can submit competing bids;

third instructions that, when executed, enforce at least one auction rule for competing bids to satisfy;

fourth instructions that, when executed, display the official auction time;

fifth instructions that, when executed, enable bidders to modify their bids;  
sixth instructions that, when executed, permit comparison of received bids to facilitate determination of winning bids; and  
seventh instructions that, when executed, provide information for displaying winning bids.

247. (Currently Amended) A computer system for mediating an auction of at least one interest- bearing financial instrument, said computer system being structured to receive bids from bidders using web browsers, wherein the bidders can be in different physical locations and can simultaneously participate in the auction, said computer system comprising:

means for enforcing at least one standard bidders must satisfy to submit competing bids;

means for enforcing at least one auction rule competing bids must satisfy;

means for displaying the official auction time;

means for receiving, over the Internet, bids from bidders using web browsers;

means for enabling bidders to modify their bid inputs;

means for permitting comparison of received bids;

and means for providing information allowing for display of at least the best bid.

***Allowable Subject Matter***

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5. Claims 189-198, 200-203, 205-212, 214-217, 220, 221, 224-233, 243 and 245-247 are allowed.

6. The following is an examiner's statement of reasons for allowance: The closest prior art is Ausubel (US5905975). Ausubel teaches a computer-mediated method of conducting an auction of an interest-bearing financial instrument over the internet. However, the prior art date for Ausubel is January 2, 1997. Applicants have filed a rule 131 declaration stating that the subject matter disclosed and claimed in their patent before January 2, 1997.

7. The next closest prior art is Fisher et al. (US 6,243, 691), Liederman (1996), and Zandi (US 5,966,699). Though Fisher teaches a multi-person multi-location Internet auction. Liederman teaches using auction software over the World Wide Web. Zandi teaches conducting an electronic loan application auction over a computer network. However, Fisher, Liederman and Zandi or any combination thereof fail to teach:

- Displaying the official auction time including time remaining.
- Auction of interest-bearing financial instrument.
- Requiring auction software on each computer.
- Wherein a bid improvement is made by submitting a lower bid where the lowest bid is the best bid.
- Modification of bids without submitting them.
- Displaying the rank over of bids.

- Bidder inputs an interest rate and price combination.
- Bidder inputs a maturity date.

8. Applicants have overcome previously made 35 USC 112 1st paragraph rejections by pointing out where those portions were fully supported by the specification.

9. It appears that the instant invention is beyond the skill of one of ordinary skill in the art. Accordingly the invention would NOT have been obvious because one of ordinary skill could not have been expected to achieve it, NOR would they have been able to predict the results, and as such, they would have had no capability of expecting success.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE H. SWARTZ whose telephone number is (571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./  
Examiner, Art Unit 3694

/James P Trammell/  
Supervisory Patent Examiner, Art Unit 3694